

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANGELA ORDIWAY,	)	
ESTHER BARKLEY,	)	
REBECCA BUTERBAUGH,	)	
RICHARD BUTERBAUGH, and	)	Civil Action No. 02-1564
THOSE PERSONS SIMILARLY SITUATED	)	Judge Cercone
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
COMMUNICATIONS & COMMERCE, LLC	)	
REESE BROTHERS, REESE	)	
TELESERVICES INC., BARRY REESE and	)	
RALPH REESE,	)	
	)	
Defendants.	)	

AND

REBECCA BUTERBAUGH,	)	
RICHARD BUTERBAUGH,	)	
DEANA MUMAU, JAMES SMITH and	)	
THOSE PERSONS SIMILARLY SITUATED	)	Civil Action No. 03-0116
	)	Judge Cercone
Plaintiffs,	)	
	)	
v.	)	
	)	
COMMUNICATIONS & COMMERCE, LLC,	)	
REESE BROTHERS, REESE TELESERVICES,	)	
INC., ALAN TRUITT, ALEC BRECKER,	)	
BARRY REESE AND RALPH REESE	)	
	)	
Defendants.	)	

**MOTION TO APPROVE PAYMENT OF SETTLEMENT FUNDS**

AND NOW Come Plaintiffs, by their counsel, and file the within Motion to Approve Payment of Settlement Funds. In support of Plaintiffs' motion, Plaintiffs state the following:

1. On August 18, 2006, this Honorable Court approved class settlements in the above captioned matters.

2. As a term of the class settlements, any Class member who Plaintiffs' Counsel was unable to locate for the purposes of distributing that Class member's portion of the settlement was to have their unclaimed settlement proceeds revert to Plaintiffs' counsel's law firm. In the event that the number of class members who Plaintiffs' Counsel was unable to locate exceeded eleven (11) or more Class members, the unclaimed settlement proceeds were to be divided equally between Plaintiffs' counsel and Defendants.

3. Ronald E. Hegner was a class member Plaintiff in both of the above captioned lawsuits.

4. Mr. Hegner had a total settlement claim of \$839.00.

5. Mr. Hegner moved during the course of the lawsuit at which time his address changed.

6. Mr. Hegner provided his new address to Plaintiffs' counsel.

7. Through no fault of his own, Mr. Hegner did not receive either a notice of proposed settlement or a release form. Mr. Hegner's notice was inadvertently sent to his prior address and it was returned as undeliverable.

8. As a result, Mr. Hegner was unaware of, and unable to comply with, the terms and requirements of the proposed settlement.

9. Mr. Hegner has provided Plaintiffs' counsel with a signed *Proof of Claims and Release Form*. (Exhibit A)

WHEREFORE, Plaintiffs respectfully request that this Honorable Court approve payment of settlement proceeds to Mr. Hegner in the amount of \$839.00, half to be paid by Plaintiffs' counsel and half to be paid by Defendants.

Respectfully submitted,

HEALEY & HORNACK, P.C.

/s/ Cynthia Goldstein

CYNTHIA GOLDSTEIN

/s/ Douglas B. McKechnie

DOUGLAS B. McKECHNIE

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